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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,895	10/06/2003	Ismail A. Elembaby	IE-2-js-mv	3822

7590 01/11/2005
Michael I. Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

ALAVI, ALI

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/679,895

Applicant(s)

ELEMBABY, ISMAIL A.

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/06/03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 15 is objected to because of the following informalities: Claim 15 is objected to because it contains two periods (".") in line 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Angelopoulos (US Pat. No 6,341,871).

Angelopoulos discloses a cellular flashlight comprising: a) a cellular phone (17) having a housing (17, fig. 1) a light unit extending (10) from said housing of said cellular phone a power source (16, fig. 1, col. 3, col. 20) for providing power to the cellular phone and said cellular flashlight or a power switch (18, fig. 1) connected between said light unit and said power source (fig. 4), wherein said power switch is moveable between a first open position disconnecting said light unit from said power source and a second closed position connecting said power source to said light unit, wherein when

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said power switch is in said second closed position, said light unit is illuminated to provide light to an area at which said light unit is directed, wherein said housing of said cellular phone further includes a connection port (20, fig. 3) positioned on a side of said housing (17), wherein the light unit includes a lamp (11) and a bulb (14) connected to said lamp for emitting light therefrom when said power switch is in said second closed position, wherein said cellular phone further includes an antenna extending outwardly from the housing and said light unit is positioned on a side of said antenna opposite said housing (fig. 1), wherein said light unit is an external light unit and further includes a connector positioned on said light unit on a side opposite said bulb, wherein said connector is received by said connection port on said housing, and upon receipt thereof, said power switch is caused to move from said first open position to said second closed position thereby providing power from said power source to said light unit for illuminating said bulb (col. 4, lines 8-29), wherein said power switch is an external power switch positioned a predetermined distance from said light unit on said housing of said cellular phone (18, fig. 3), wherein depressing said external power switch a first time moves said power switch into said second closed position and depressing said external power switch a second time moves said power switch into said first open position (18, fig. 3, col. 4, line23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angelopoulos.

Angelopoulos discloses the claimed invention except for the pushbutton or rotatable switch. However, these types of switches are considered old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the switch of Angelopoulos from push button to rotatable switch since the examiner takes official notice that such modification are old and well known in the illumination art.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al (US Pat. No 6,755,549).

Rogers discloses a cellular flashlight comprising: a housing (63) a light unit (21, fig. 1B) extending from said housing of said cellular, a power source (100, fig. 2) for providing power to the cellular and said cellular flashlight, a power switch (23, S1, fig. 2) connected between said light unit and said power source, wherein said power switch is moveable between a first open position disconnecting said light unit from said power source and a second closed position connecting said power source to said light unit, wherein when said power switch is in said second closed position, said light unit is

illuminated to provide light to an area at which said light unit is directed (fig. 1), light unit includes a bulb (14), an external push button switch (23). Rogers doesn't explicitly express beeper. However, Rogers suggest that the light unit can be added to any mobile handheld communications device including telephone handsets, and pagers (abstract). Pagers are commonly known as beepers. Therefore, this meets the limitation of the claim. As for the light unit being a laser light unit (claim 15), Rogers teaches that LED 14 may be selected from other colors or frequencies for an aesthetic or specific application.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rogers et al (US Pat. 6,755,549) cell phone with light emitting unit. Kruse et al (US 2002/0067608 A1) discloses an externally powered LED flashlight.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ali Alavi
Examiner
AU 2875